

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Robert Bryan Cleere,
USC's
Defendants)

Case No. 18-7006 MJ

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief.

Count 1:

On or about February 12, 2018, at or near Eloy, in the County of Pinal, in the District of Arizona, Robert Bryan Cleere knowingly and with reckless disregard of the fact that a certain aliens, Ruben Medina Rivera and Jesus Alonso Rivera-Medina, had come to, entered, and remained in the United States in violation of law, did transport and move said aliens within the United States by means of transportation and otherwise, in furtherance of such violation of law; in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii).

See Attached Statement of Probable Cause Incorporated By Reference Herein.

REVIEWED BY: SAUSA Brett A. Day

Signature of Complainant
Albert A. Martinez
U.S. Border Patrol Agent

Sworn to before me and subscribed in my presence, February 13, 2018, at Phoenix, Arizona.

Signature of Judicial Officer
Honorable Bridget S. Bade
United States Magistrate Judge

STATEMENT OF PROBABLE CAUSE

I, Albert A. Martinez, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Border Patrol Agent with U.S. Border Patrol, U.S. Customs and Border Protection. I have learned about this investigation and the facts contained therein from direct participation in the investigation and from the reports and communications of other agents.
2. On February 12, 2018, Border Patrol Agent (BPA) J. Carpenter responded to an other agency call from the Pinal County Sheriff's office at the Petro Gas Station located on Sunland Gin road near Eloy, Arizona. One of their Deputies had conducted a vehicle stop and was requesting Border Patrol assistance for a possible alien smuggling case. BPA J. Carpenter arrived on scene and was briefed by Deputy K. Nerdelli who stated that he had pulled over a black, 2007 Saturn Vue, for a suspended license plate. Upon inspection of the vehicle Deputy K. Nerdelli suspected that the two passengers were illegal aliens. Deputy K. Nerdelli issued a warning citation for the suspended license plate to the driver identified as, Robert Bryan Cleere.
3. BPA J. Carpenter conducted an immigration check on all the occupants of the vehicle and determined that Cleere was a United States citizen and that the two passengers identified as Ruben Medina-Rivera and Jesus Alonso Rivera-Medina were citizens and nationals of foreign countries present in the United States illegally without any immigration documents allowing them to enter or remain in the United States legally.

All three subjects were arrested and transported to the Casa Grande Border Patrol

Station for further processing.

4. At the Casa Grande Border Patrol Station Robert Bryan Cleere was read his Miranda Rights via form I-214 at 7:45 PM by SBPA C. Muniz and witnessed by BPA T. Gears. Cleere stated he understood his rights, signed form I-214, and agreed to answer questions without an attorney present.
5. Cleere stated that he encountered the two men in his vehicle while traveling from Sierra Vista, Arizona to Phoenix, Arizona. Cleere stated that the two men were standing on the side of the road holding a sign that said Phoenix, Arizona on it. Cleere stopped his vehicle and asked the two men where they wanted to go. They told him that they wanted to go to Phoenix. Cleere told them to get in and proceeded towards Phoenix, Arizona. Cleere at first stated that he thought the two men were United State citizens then stated that he did not know if they were United States citizens or not. Cleere stated that he did not know the two men before he picked them up. Cleere also stated that he had lived in Tucson, Arizona and Phoenix, Arizona since 1986 and knew what an illegal alien looked like when they are in the desert. Cleere claims that once he picked up the two men he did not stop until he was pulled over by law enforcement near the Petro Gas station in Eloy, Arizona.
6. The following is a written synopsis of the interview of Ruben Medina-Rivera conducted by BPA E. Castorena and SBPA C. Muniz.

7. Ruben Medina-Rivera stated that he is a citizen and national of Mexico and that he traveled to Nogales, Sonora, Mexico where he arranged to meet a smuggler named Chino. Medina-Rivera stated that he was going to pay \$6000 to be smuggled to California. Medina-Rivera stated that the arrangements were made for his friend, Jesus Alonso Rivera-Medina as well. Medina-Rivera stated that they were taken to house and waited for several days until a smuggler arrived and took them to the United States border. Medina-Rivera stated that all three of them climbed over the border wall and walked north for several hours until they reached an abandoned house. After several days in the house a heavysset Hispanic male arrived and transported them to another abandoned house. Medina-Rivera stated that they waited there until another male subject (Robert Bryan Cleere) arrived and told them he was there to give them a ride. Medina-Rivera described him as being short.
8. Medina-Rivera stated that both he and Rivera-Medina got into the vehicle and proceeded towards Phoenix, Arizona. Medina-Rivera stated that he believed that Robert Bryan Cleere knew that he was an illegal alien from Mexico and that Cleere was on the phone while he was driving them to Phoenix.
9. Medina-Rivera was shown a six pack line up. He was instructed to look at the photos and identify anyone he knew. He was told that he was under no obligation to identify anyone. Medina-Rivera looked at the photos and identified the subject in photo number 5 as, "llego por nosotros a la casa choffer (he arrived for us at the house, driver)". The subject Medina-Rivera identified was Robert Bryan Cleere.

10. The following is a written synopsis of the interview of Jesus Alonso Rivera-Medina conducted by BPA E. Castorena and SBPA C. Muniz.
11. Jesus Alonso Rivera-Medina stated that he is a citizen and national of Mexico and that he traveled to Nogales, Sonora, Mexico with the intention to cross the United States border illegally. Rivera-Medina stated that he made arrangements via phone with a smuggler known as Cholo who was recommended by another friend who had used him before. While in Nogales, Sonora, Mexico, Rivera-Medina stated that he waited in a house for several days where other people were being gathered too. Rivera-Medina stated that when they left a total of twenty people were staged there.
12. All of them were transported to the United States border where they waited for three days before crossing the border illegally. Rivera-Medina stated that he met his guide at the border and crossed with five other subjects. They walked in the dark for several hours until they reached an unknown location where they were picked up by a dark vehicle that took them to a hotel in Sierra Vista, Arizona where they stayed for five days.
13. After the five days they were picked up and driven to another house where they stayed for a day. After a day they were picked up again by a woman and transported to a different location. Rivera-Medina stated that another vehicle arrived to pick them up at this location. Rivera-Medina stated that the last vehicle that picked him up was the same as one that he was arrested in. Rivera-Medina stated he didn't know where in Phoenix he was be taken to but believed that the driver knew where to go. Rivera-

Medina stated that he made arrangements with the smuggler, "Cholo" for \$7000 which included all transportation fees. He stated that he had paid \$600 already and the rest was due when arrived to Phoenix, Arizona.

14. Rivera-Medina was shown a six pack line up. He was instructed to look at the photos and identify anyone he knew. He was told that he was under no obligation to identify anyone. Rivera-Medina looked at the photos and identified Robert Bryan Cleere as the driver of the vehicle that he was arrested in. Rivera-Medina stated that they did not stop anywhere once they were picked up and that conversations were kept at a minimum.

15. Based on the above stated facts, your affiant submits that there is probable cause to believe that on or about February 12, 2018, at or near Eloy, Arizona in the County of Pinal, in the District of Arizona, Robert Bryan Cleere, knowingly and with reckless disregard of the fact that a certain aliens, Ruben Medina Rivera and Jesus Alonso Rivera-Medina, had come to, entered and remained in the United States in violation of

//

//

//

//

//

//

law, did transport and move said aliens within the United States by means of transportation and otherwise in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

A handwritten signature in black ink, appearing to read 'A. Martinez', written over a horizontal line.

Signature of Complainant
Albert A. Martinez
U.S. Border Patrol Agent

Sworn to and subscribed before me this 13th day of Feb, 2018.

A handwritten signature in black ink, appearing to read 'Bridget S. Bade', written over a horizontal line.

Signature of Judicial Officer
Honorable Bridget S. Bade
United States Magistrate Judge